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Convention on the Rights of the Child

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Committee on the Rights of the Child
Seventy-fourth session
16 January-3 February 2017
Item 4 of the provisional agenda
Consideration of reports by States parties

List of issues in relation to the combined third to fifth periodic reports of the Democratic Republic of the Congo

The State party is requested to submit in writing additional and updated information (10,700 words maximum), if possible before 15 October 2016.The Committee may take up any aspect of children's rights set out in the Convention during the dialogue with the State party.

Part I

Please provide information on general measures of implementation of the Convention, including:

1. (a) The implementation of the Act of 10 January 2009 on the protection of children (Child Protection Code), especially the training of officials responsible for implementing the Code, the raising of public awareness, and the allocation of appropriate resources;

(b) The functioning of the National Council for Children established pursuant to article 74 of the Child Protection Code;

(c) The adoption of a national child protection policy.

2. Taking into account the low level of birth registration (25 per cent) and the fact that it is further declining, especially in Nord-Kivu, please describe the efforts made by the State party to improve its system for registering children at birth. Please also provide details on the mechanisms used to determine the age of children who were not registered at birth.

3. Please provide information on the implementation of Act No. 11/008 of 9 July 2011 concerning the criminalization of torture, especially with regard to torture of children in detention, and on the steps taken to prevent torture of children accused of witchcraft or having committed acts that are deemed to be immoral.

4. Taking into account the different provisions on corporal punishment (Criminal Code, article 46, Family Code, article 325, Child Protection Code, article 57), please indicate

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whether the State party intends to harmonize these provisions and to incorporate an explicit prohibition of corporal punishment in all legislation.

5. In the light of the reported high incidence of rape and other forms of sexual violence against girls, including in conflict zones where rape is frequently used as a weapon of war, please inform the Committee of measures taken by the State party to:

(a) Address the root causes of sexual violence;

(b) Prosecute all acts of violence and punish the perpetrators of such acts, including acts of sexual violence committed by the State party's contingents in the context of peacekeeping missions abroad;

(c) Provide assistance and rehabilitation services for child victims of sexual violence, including legal aid and medical and psychological support;

(d) Protect victims and their families from reprisals by rapists or their families.

6. With reference to the Committee's earlier recommendation (CRC/C/COD/CO/2, para. 44), please describe the measures taken to provide adequate assistance to ensure that families living in poverty are able to take care of their children. Please also explain the State party's policy on children without parental care, especially with regard to placement, conditions for admission to residential care institutions, staff training, or options for placement in foster families or other family structures.

7. Please provide more details on the national policy on care for vulnerable persons, including children living with disabilities, mentioned in the State party report, including its scope, nature, objectives and envisaged funding. Please also describe the measures taken to combat discrimination against children living with disabilities and their integration in inclusive education.

8. Please inform the Committee about measures taken to:

(a) Set up accessible and adequate health centres, at affordable cost, in all regions of the country, including in rural areas;

(b) Provide health centres and hospitals with sufficient human and financial resources, equipment, medicines and adequate infrastructure;

(c) Address the high rates of malnutrition;

(d) Improve immunization rates, including by disseminating information on immunization campaigns;

(e) Disseminate information on reproductive health and adolescent development, the prevention of early pregnancies, and drug, alcohol and tobacco abuse;

(f) Protect children, especially girls aged 15 years and over, from infection with HIV/AIDS;

(g) Promote breastfeeding.

9. Please indicate the measures taken to combat harmful traditional practices such as early and forced marriage, especially in areas of conflict, including systematic and regular awareness-raising. With reference to the information provided by the State party on the efforts made by the Court and tribunals with regard to the implementation of legislation prohibiting such practices, please specify the number of cases considered and the penalties imposed.

10. With reference to the Committee's earlier recommendation (CRC/C/COD/CO/2, para. 66), please inform the Committee of the measures taken to promote compulsory schooling for girls, children in rural areas and children from vulnerable groups, including

measures to increase expenditure in the education sector, do away with hidden costs, improve the quality of education, reduce gender-based disparities, prevent non-completion of schooling in rural areas, etc. Please also inform the Committee about measures taken to end the use of school for military purposes.

11. In the light of the Committee's earlier recommendation (CRC/C/COD/CO/2, para. 75), please inform the Committee about efforts made by the State party to ensure that refugee and displaced children are provided with adequate and appropriate assistance, including food, medical and psychological care and access to education.

12. Taking into account the large number of working children, including children engaged in the worst forms of labour such as mining activities, please explain how the State party is implementing the 2002 Labour Code that prohibits the worst forms of child labour, how violations are identified, and which penalties apply. Please also indicate whether the State party is cooperating with private enterprises to end the worst forms of child labour.

13. Given that the age of criminal responsibility is set at 14 years, please explain the mechanism in place for determining a child's age in the absence of a birth certificate. Please also provide the Committee with information about implementation of the provisions of the Child Protection Code that favour the placement of children who are in conflict with the law in community-based facilities, rather than in detention centres. Please indicate further whether the State party intends to increase the number of tribunals and to improve the training of judges in children's rights.

14. With reference to the Concluding Observations regarding the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/COD/CO/1), please inform the Committee about measures taken to implement its recommendations, in particular in order to:

(a) Ensure that no killings and maiming of civilians, especially children, take place during military operations;

(b) Halt the recruitment and use of children in the State party's armed forces;

(c) Prevent the recruitment of children by non-State armed groups;

(d) Ensure that the demobilization, rehabilitation and reintegration of children associated with the armed forces or non-State armed groups become a priority and are addressed in all peace or ceasefire negotiations and agreements with armed groups;

(e) Put an end to the impunity that perpetrators of recruitment and use of children continue to enjoy, and ensure the prompt and impartial investigation of all allegations against all suspected officers of the State party's armed forces (Forces armées de la République démocratique du Congo – FARDC), including those listed in the reports of the Group of Experts on the Democratic Republic of the Congo.

Part II

15. The State party is requested to briefly (three pages maximum) update the information provided in its report concerning:

(a) New bills or legislation and their respective regulations;

(b) New institutions and their mandates, and institutional reforms;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

16. Please provide consolidated budget information for the last three years on the budget lines for children and the social sector, indicating the percentage of each budget line in terms of the total national budget and gross national product, and geographical distribution.

17. Please provide, if possible, updated data, disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic background for the last three years, on:

(a) The number/percentage of children who were married, and the follow-up provided;

(b) The number/percentage of children registered at birth;

(c) The number of allegations of abuse and violence against children, including all forms of corporal punishment, with additional information on the type of assistance given to the victims and the follow-up provided, including prosecution of the perpetrators and the sentences handed down;

(d) The number of allegations of acts of sexual violence and rape committed against children and adolescents, the number of investigations and legal proceedings instituted, and the outcome of trials, including information on the penalties imposed on perpetrators and the redress and compensation afforded to victims;

(e) The mortality rate among children under 5 years, and infant and maternal mortality rates (disaggregated by cause of death);

(f) Immunization coverage;

(g) The number of children infected or affected by HIV/AIDS and malaria.

18. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, on the situation of children deprived of a family environment. Please indicate, for the last three years, the number of children:

(a) Separated from their parents;

(b) Living in child-headed households;

(c) Placed in institutions;

(d) Placed with foster families;

(e) Adopted domestically or abroad.

19. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the last three years, on the number of children with disabilities:

(a) Living with their families;

(b) Living in institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Not attending any school;

(g) Abandoned by their families.

20. Please provide data, disaggregated, inter alia, by age, sex, socioeconomic background, geographical location and ethnic origin, for the last three years, on:

(a) The enrolment and completion rates, in percentages of the relevant age group, in pre-primary schools, primary schools and secondary schools;

(b) The number and percentage of dropouts and repetitions;

(c) The teacher-pupil ratio.

21. Please provide data, disaggregated, inter alia, by age, sex, socioeconomic background, ethnic group and geographical location, for the last three years, on:

(a) The number of children engaged in child labour, including the worst forms of child labour, and the number of investigations conducted, indicating, in particular, the follow-up of those cases, the sentences imposed on the perpetrators, and the redress and compensation afforded to the victims;

(b) The number of children involved in armed conflict by the State party's armed forces and non-State actors;

(c) The number of allegations of enrolment and use of children in the State party's armed forces, the number of investigations conducted, sentences handed down, and instances of redress provided and rehabilitation of children, including girls, associated with the armed forces carried out.

22. Please provide data, disaggregated, inter alia, by age, sex, ethnic origin, geographical location and type of crime, for the last three years, on:

(a) The number of children and adolescents who have allegedly committed a crime reported to the police;

(b) The number of children and adolescents who have been sentenced and the type of punishment or sanctions related to the offence committed, including the length of deprivation of liberty;

(c) The number of detention facilities and of reception and rehabilitation facilities for minors in conflict with the law, and their capacity;

(d) The number of adolescents and young adults held in those centres and the number of minors detained in adult detention facilities;

(e) The number of children and adolescents placed in provisional detention and the average lengths of such detention.

23. Please inform the Committee of any new data or fact that would render the information provided in the report obsolete.

24. In addition, the State party may draw up a list of other child-related issues.